

JC06 Rec'd a PCT/PTO 03 AUG 2005  
PCY

Docket No. F-8379



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Gerold LUKOWSKI, et al.  
Serial No. : 10/507,061  
Filed :  
For : MICRO/NANOPARTICLE OBTAINED FROM  
LIPID-CONTAINING MARINE ORGANISMS FOR  
USE IN PHARMACEUTICS AND COSMETICS  
Customer No. : 000028107

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Date of Deposit: August 3, 2005

I hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to Addressee" service  
under 37 CFR 1.10 on the date indicated above and is addressed to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

H. K. Zun

Hannah K. Zun

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

Sir:

In response to the U.S. Patent Office's July 5, 2005 Notification of Defective Response, Applicants hereby submit a copy of the Declaration and Power of Attorney ("Declaration") for Patent Application which was submitted to the U.S. Patent Office on January 12, 2005. The Notification of Defective Response states that the oath or declaration filed on January 12, 2005 is not in compliance with U.S. Patent Office rules because it "is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68." However, the Declaration that was filed on January 12, 2005 is in compliance with 37 C.F.R. § 1.68, which permits that a declaration be filed instead of an oath if, and only if,

"the declarant is on the same document, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. The declarant must set forth in the body of the declaration that all statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true."

At the bottom right of page 2 of the Declaration is the statement required under 37 C.F.R. § 1.68. Thus, the Declaration filed on January 12, 2005 is in compliance with 37 C.F.R. § 1.68.

Accordingly, Applicants respectfully request that the Declaration filed on January 12, 2005 be accepted.

Respectfully submitted,

Jordan and Hamburg LLP

By C. Bruce Hamburg  
C. Bruce Hamburg  
Reg. No. 22,389  
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and,

By Ricardo Unikel  
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enc. Declaration and Power of Attorney for Patent Application



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
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 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/507,061	Gerold Lukowski	F-8379
INTERNATIONAL APPLICATION NO.		
PCT/DE03/00747		
LA. FILING DATE	PRIORITY DATE	
02/28/2003	02/28/2002	
CONFIRMATION NO. 8844		
371 FORMALITIES LETTER		
 *OC000000016440636*		

28107  
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Date Mailed: 07/05/2005

**RE-122 EAST 42nd STREET  
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LAW OFFICES OF  
 JORDAN AND HAMBURG LLP  
 JUL - 7 2005

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 08/26/2004
- English Translation of the IA filed on 04/11/2005
- Copy of the International Search Report filed on 08/26/2004
- Preliminary Amendments filed on 04/11/2005
- Information Disclosure Statements filed on 08/26/2004
- Oath or Declaration filed on 01/12/2005
- U.S. Basic National Fees filed on 08/26/2004
- Priority Documents filed on 08/26/2004

Applicant's response filed 04/11/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/10/2005 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

Response to Notification of  
 defective response - 8/5/05

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

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**PART 1 - ATTORNEY/APPLICANT COPY**

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10/507,061	PCT/DE03/00747	F-8379

FORM PCT/DO/EO/916 (371 Formalities Notice)